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**UNITED STATES DISTRICT COURT
FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

LEIDA VEGA,
Plaintiff,
v.
**CONTINENTAL CREDIT
CONTROL, INC.,**
Defendant.

Case No.: 2:22-cv-05255

**COMPLAINT FOR DAMAGES
FOR VIOLATIONS OF:**

**FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. §§ 1692
ET SEQ.**

DEMAND FOR JURY TRIAL

III

INTRODUCTION

1. This is a case about a debt collector who reported information to the credit bureaus
2. that it knew was false.

2. LEIDA VEGA (“Plaintiff”), by her attorney, brings this action for actual
3. damages, statutory damages, attorney fees, and costs, against **CONTINENTAL**
4. **CREDIT CONTROL, INC.** (“Defendant”) for violations of the Fair Debt
5. Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (“FDCPA”), which prohibits
6. debt collectors from engaging in abusive, deceptive and unfair practices.

7. Plaintiff makes these allegations on information and belief, with the exception
8. of those allegations that pertain to the Plaintiff, or to the Plaintiff’s counsel,
9. which Plaintiff alleges on personal knowledge.

10. Plaintiff makes these allegations on information and belief, with the exception
11. of those allegations that pertain to the Plaintiff, or to the Plaintiff’s counsel,
12. which Plaintiff alleges on personal knowledge.

13. While many violations are described below with specificity, this Complaint
14. alleges violations of the statutes cited in their entirety.

15. All violations by Defendant were knowing, willful, and intentional, and
16. Defendant did not maintain procedures reasonably adapted to avoid any such
17. violations.

18. Unless otherwise indicated, the use of a Defendant’s name in this Complaint
19. includes all agents, principles, managing agents, employees, officers, members,
20. directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
representatives, and insurers of that Defendant named.

JURISDICTION AND VENUE

- 22 7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states
23 that such actions may be brought and heard before “any appropriate United States
24 district court without regard to the amount in controversy,” 28 U.S.C. § 1331,
25 which grants this court original jurisdiction of all civil actions arising under the
26 laws of the United States, and pursuant to 28 U.S.C. § 1367 for pendent state law
27 claims.

28 | //

- 1 8. This action arises out of Defendant's violations of the Fair Debt Collection
2 Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA").
3 9. Venue is proper in this District pursuant to 28 U.S.C. § 1331 because the acts and
4 transactions occurred here, Plaintiff resides here, and Defendant transacts
5 business here.

6 **FDCPA**

- 7 10. In enacting the FDCPA, Congress found that:
- 8 a. There is abundant evidence of the use of abusive, deceptive, and unfair debt
9 collection practices by many debt collectors. Abusive debt collection
10 practices contribute to the number of personal bankruptcies, to marital
11 instability, to the loss of jobs, and to invasions of individual privacy.
12 b. Existing laws and procedures for redressing these injuries are inadequate to
13 protect consumers.
14 c. Means other than misrepresentation or other abusive debt collection
15 practices are available for the effective collection of debts.
16 d. Abusive debt collection practices are carried on to a substantial extent in
17 interstate commerce and through means and instrumentalities of such
18 commerce. Even where abusive debt collection practices are purely intrastate
19 in character, they nevertheless directly affect interstate commerce.
20 e. It is the purpose of this title to eliminate abusive debt collection practice by
21 debt collectors, to insure that those debt collectors who refrain from using
22 abusive debt collection practices are not competitively disadvantaged, and to
23 promote consistent State action to protect Consumers against debt collection
24 abuses. 15 U.S.C. § 1692.
- 25 11. The FDCPA is a strict liability statute. That is, a plaintiff need not prove intent
26 or knowledge on the part of the debt collector to establish liability. *See*
27 *Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055, 1060-61 (9th Cir. 2011);
28 *Donohue v. Quick Collect*, 592 F.3d 1027, 1030 ("[t]he FDCPA is a strict

1 liability statute that makes debt collectors liable for violations that are not
2 knowing or intentional”).

- 3 12. To further protect consumers, claims under the FDCPA are to be judged
4 according to the “least sophisticated debtor” or “least sophisticated consumer”
5 standard. *Gonzales* at 1061. This standard is lower than the “reasonable
6 debtor” standard, and is specifically designed to protect consumers of below
7 average and sophistication or intelligence. *Id.* In addition, a plaintiff need not
8 even have actually been misled or deceived by the debt collector’s
9 communication. Rather, liability depends on whether the *hypothetical* least
10 sophisticated debtor – someone who is uninformed and naïve – would have
11 likely been misled. *Id.*; see also *Tourgeman v. Collins Financial Servs.*, 755
12 F.3d 1109, 1119 (9th Cir. 2014).

13 **PARTIES**

- 14 13. Plaintiff is a natural person who resides in San Luis Obispo County,
15 California. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
16 1692a(3).
17 14. Defendant Continental Credit Control, Inc. (hereinafter “Defendant
18 Continental”) is a California corporation operating from an address of 22 North
19 Milpas St., Santa Barbara, CA 93103, and is a “Debt Collector” as that term is
20 defined by 15 U.S.C. § 1692a(6) because it regularly uses the mails and/or the
21 telephone to collect, or attempt to collect, directly or indirectly, defaulted
22 consumer debts that it did not originate. It operates a nationwide debt collection
23 business and attempts to collect debts from consumers in virtually every state,
24 including consumers in the State of California. Its principal, if not sole, business
25 purpose is the collection of defaulted consumer debts originated by others, and,
26 in fact was acting as a debt collector as to the delinquent consumer debt it
27 attempted to collect from Plaintiff.

28 ///

FACTUAL ALLEGATIONS

- 2 15. Plaintiff is an individual residing in San Luis Obispo County, California.

3 16. Plaintiff is informed and believes, and thereon alleges, that at all times relevant,

4 Defendant conducted and continues to conduct business in the State of

5 California.

6 17. Defendant's business consists solely of the collection of delinquent consumer

7 debts.

8 18. Defendant is seeking to collect from Plaintiff for a personal debt related to medical

9 services.

10 19. On or about April 6, 2022, Plaintiff wrote to Defendant to let it know that she no

11 longer disputed the debt and asked that her credit report be updated

12 accordingly.

13 20. On or about April 11, 2022, Plaintiff received notification from the U.S. Postal

14 Service that Defendant had received her letter.

15 21. On or about June 1, 2022, Defendant nevertheless reported to at least one credit

16 bureau that Plaintiff's account was disputed.

17 22. On information and belief, Defendant has, in the two years prior to the filing of

18 this lawsuit, knowingly transmitted credit information that it knew to be

19 inaccurate to multiple credit bureaus on multiple occasions.

ACTUAL DAMAGES

- 21 23. Plaintiff has suffered actual damages as a result of these illegal collection and
22 intimidation tactics by this Defendant in the form of invasion of privacy, personal
23 embarrassment, loss of personal reputation, loss of productive time, nausea, and
24 feelings of fear, anxiety, hopelessness, anger, persecution, emotional distress,
25 frustration, upset, humiliation, and embarrassment, amongst other negative
26 emotions.

CAUSE OF ACTION CLAIMED BY PLAINTIFF

VIOLATION OF § 1692E OF THE FDCPA

- 1 24. Plaintiff incorporates by reference all of the above paragraphs of this Complaint
2 as though fully stated herein.
3 25. A debt collector violates § 1692e of the FDCPA when it uses any false, deceptive,
4 or misleading representation or means in connection with the collection of any
5 debt.
6 26. Defendant violated § 1692e when it, among other qualifying actions and
7 omissions, willfully communicated credit information which it knew to be false.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for:

- 10 a) Award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA),
11 against Defendant and for Plaintiff, and,
12 b) Award of statutory damages in the amount of \$1000.00 pursuant to 15
13 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,
14 c) Award of costs of litigation and reasonable attorney's fees pursuant to 15
15 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,
16 d) Award to Plaintiff of such other and further relief as may be just and
17 proper.

18 **TRIAL BY JURY IS DEMANDED.**

19 27. Pursuant to the Seventh Amendment to the Constitution of the United States of
20 America, Plaintiff is entitled to, and demands, a trial by jury.
21

22 Respectfully submitted,

23 **THE CARDOZA LAW CORPORATION**

24 DATED: July 29, 2022

25 BY: /s/ MICHAEL F. CARDOZA
MICHAEL F. CARDOZA, Esq.
26 LAUREN B. VEGGIAN, Esq.
ATTORNEYS FOR PLAINTIFF
27 LEIDA VEGA

1 **ELECTRONICALLY STORED INFORMATION REQUEST**

2 This notice is to demand that you preserve all documents, tangible things and
3 electronically stored information (“ESI”) potentially relevant to any issues in the
4 above-entitled matter. This specifically includes, but is not limited to, all
5 information pertaining to the above matter, including specifically all recordings of
6 any telephone communication between your company and Plaintiff.

7 As used in this request, “you” and “your” or “your client” refers to your
8 organizations, and its predecessors, successors in interest, assignees, parents,
9 subsidiaries, divisions or affiliates, and their respective officers, directors,
10 employees, servants, agents, attorneys, and accountants.

11 Much of the information subject to disclosure or responsive to discovery is
12 stored on your client’s current and former computer systems and other media and
13 devices (such as: personal digital assistants, voice-messaging systems, online
14 repositories and cell phones).

15 Electronically stored information (“ESI”) should be afforded the broadest
16 possible definition and includes (for example and not as an exclusive list)
17 potentially relevant information whether electronically, magnetically or optically
18 stored.

19 This preservation obligation extends beyond ESI in yours or your client’s
20 care, possession or custody and includes ESI in the custody of others that is subject
21 to your client’s direction or control. You must notify any current or former agent,
22 attorney, employee, custodian or contractor in possession of potentially relevant ESI
23 to preserve such ESI to the full extent of your client’s obligation to do so, and you
24 must try to secure their compliance.